

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

LEROY SECHEREST, DAMION LEVY,)	
TYQWON WALDEN, MARCUS YOUNG,)	
ARKICA STEWART, COMECHIA RANDLE,)	
QUARNEESHIA WALDEN, DORNELL)	Case No: 3:24-cv-34-TSL-MTP
MALONE, JOHN ADAMS, DWAYNE)	
STEWART, YOLANDA WALLACE, CRYSTAL)	
WALLACE, LEON LEWIS, FREDERICK)	
JOHNSON, LEONTAY ELLINGTON,)	
JAMES BANKHEAD, JR., AND MINNIE)	
STEWART,)	
)	
)	
Plaintiffs,)	
)	
v.)	
)	
)	
)	
CITY OF LEXINGTON, ROBIN MCCRORY,)	
CHARLES HENDERSON, AARON AGEE,)	
SAM DOBBINS, CORDARIUS EPPS,)	
CHRIS BURRELL, JUSTIN NEWELL,)	
LARON SIMPSON, AND SCOTT WALTERS,)	
)	
Defendants.)	

PLAINTIFFS' RULE 41(a)(2) MOTION TO DISMISS WITHOUT PREJUDICE PLAINTIFFS'
EQUAL PROTECTION CLAIMS AGAINST DEFENDANT CORDARIUS EPPS IN HIS
INDIVIDUAL AND OFFICIAL CAPACITIES

COMES NOW Plaintiffs Leroy Secherest, Damion Levy, Tyqwon Walden, Marcus
Young, Arkica Stewart, Comechia Randle, Minnie Stewart, Quarneeshia Walden, Dornell
Malone, John Adams, Dwayne Stewart, Yolanda Wallace, Crystal Wallace, Leon Lewis,

Frederick Johnson, Leontay Ellington, and James Bankhead, Jr. (collectively, “Plaintiffs”), through their undersigned counsel under Rule 41(a)(2) of the Federal Rules of Civil Procedure, and move this Court for an Order dismissing without prejudice Plaintiffs’ Equal Protection claims against Defendant Cordarius Epps, in both his official and individual capacities. In support of their motion, the Plaintiffs state as follows:

1. On January 20, 2024, Plaintiffs filed a Complaint against Defendant Epps along with the City of Lexington and other individuals.
2. On July 2, 2024, Plaintiffs filed their First Amended Complaint to amend the Plaintiffs.
3. Defendant Cordarius Epps filed his Motion for Summary Judgment on March 21, 2025.
4. Subsequently, Plaintiffs filed their responsive Brief on April 15, 2025.
5. Plaintiffs wish to voluntarily dismiss all Fourteenth Amendment Equal Protection claims against Defendant Epps. Plaintiffs do not contest dismissal without prejudice of Equal Protection claims against Epps. The consequence of these withdrawals is dismissal without prejudice. See also *SanDisk Corp. v. Kingston Tech. Co.*, 695 F.3d 1348, 1353 (Fed. Cir. 2012) (notification by plaintiff that it was no longer pursuing certain claims “akin to [...] a Rule 41(a) voluntary dismissal of claims without prejudice”); FED. R. CIV. P. 41(a)(1)(B) (for withdrawal “the dismissal is without prejudice”). Plaintiffs request that this Court issue an order acknowledging Plaintiffs’ voluntary withdrawal of their Equal Protection claims against Epps and their dismissal without prejudice.¹

¹ CORNELL LAW SCHOOL, “Dismissal of Actions,” https://www.law.cornell.edu/rules/frcp/rule_41 (last visited Feb. 11, 2025) (FRCP 41(a)(2): (“(2) By Order of Court. Except as provided in paragraph (1) of this subdivision of this rule, an action shall not be dismissed at the plaintiff’s instance save upon order of the court and upon such terms

6. Plaintiffs can properly plead Equal Protection claims that overcome qualified immunity if given dismissal without prejudice and leave to amend.
7. Because of the straightforward nature of this Motion, it is also requested that the requirement of a memorandum brief in support of this Motion be waived.

SUBMITTED this the 24th day of April, 2025.

Respectfully Submitted,

/s/ Jill Collen Jefferson

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ATTORNEYS FOR PLAINTIFFS

and conditions as the court deems proper. ...Unless otherwise specified in the order, a dismissal under this paragraph is without prejudice”).

CERTIFICATE OF SERVICE

I, Jill Collen Jefferson, do hereby certify on this day, I filed the foregoing MOTION using the Court's CM/ECF system, which sent notification to all counsel of record in this matter.

THIS, the 24th day of April, 2025.

/s Jill Collen Jefferson

Jill Collen Jefferson